IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL MISC. APPEAL No. 290 of 2005

PRABHAWATI MEHTA & ORS.
V/S
PRAHALAD SINGH & ORS.

Mr. PARIKSHIT NAYAK, for the appellant / petitioner

Date of Order : 11.4.2005

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the appellant.

The only contention advanced is that the compensation awarded is inadequate, inasmuch as, the claimants have produced two salary certificates of the deceased, being Ex.1 and 2, and there was no reason to disbelieve that evidence.

I have considered the submission, and have gone through the impugned judgment.

What is significant to note is that Ex.1 is the certificate from Mahendra Machinery Corporation, certifying the deceased to be receiving Rs.1800/- per month as an employee, and his working hours were as per the working hours of the shop. Then Ex.2 is the certificate issued by Yogesh C. Vyas & Company, Chartered Accountants, certifying that the deceased was working with them as Account Supervisor on a consolidated salary of Rs.4000/-, and he was to go to the office on every Sunday. All said and done, to say the least, if a person is working for whole time as an employee, as appears from Ex.1 for a salary of Rs.1800/- per month, it doesn't stand to reason at all that he would be employed for Rs.4000/- being paid every month by working on Sundays only. If the things had been other way round, i.e. getting Rs.4000/- per month by working for the whole time, and Rs.1800/- for working on Sundays, probably the things would have been plausible, but

then, as the things had been projected, they are inherently and unbelievable.

In that view of the matter, I do not find any error in the finding of the learned Tribunal. The multiplier employed by the Tribunal is already more than the one prescribed under the Schedule.

Thus, I do not find any force in the appeal, the same is, therefore, dismissed summarily.

(N P GUPTA),J.

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